

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-04
H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
SP-02 SS-15 NSCE-00 SSO-00 USIE-00 INRE-00 DHA-02
OMB-01 TRSE-00 /078 W
-----292049Z 062073 /70

O 291835Z APR 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC NIACT IMMEDIATE 6022
INFO AMEMBASSY BONN
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY PRETORIA
UFQISSION USUN NEW YORK IMMEDIATE 1334

C O N F I D E N T I A L SECTION 1 OF 3 CAPE TOWN 0661

E.O. 11652: GDS
TAGS: PFOR, SF, US, XA
SUBJECT: NAMIBIA TALKS: FINAL MEETINGS

REF: CAPE TOWN 0656

1. SUMMARY: SAG AND CONTACT GROUP AGREED THIS AFTER-
NOON TO A MODIFIED VERSION OF THE TALKING POINTS THAT
THE CG HAD PRESENTED THIS MORNING. TALKING POINTS NOW
REPRESENT A CONFIDENTIAL WORKING PAPER WHICH THE FIVE
GOVERNMENTS CAN USE FOR DISCUSSIONS WITH THE UN AND OTHER
INVOLVED PARTIES. CHANGES WHICH THE CG ACCEPTED DO
NOT IN OUR VIEW REPRESENT UNACCEPTABLE SUBSTANTIVE
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DIFFERENCES FROM POINTS WE HAD MADE IN THE MORNING
MEETING. THE CG WILL PREPARE AN ASSESSMENT OF THE
MEETINGS WITH THE SAG AND MAKE RECOMMENDATIONS REGARD-
ING NEXT STEPS. ASSESSMENT AND RECOMMENDATIONS WILL
FOLLOW BY SEPTTEL TOMORROW. END SUMMARY.

2. BEFORE THE FULL DELEGATION OF THE CONTACT GROUP

MET WITH VORSTER AND BOTHA THIS AFTERNOON FOR FINAL SESSION AT 4:30, FIVE MEMBERS MET WITH FOURIE AND BOTHA TO WORK OUT AGREED CHANGES TO THE TALKING POINTS WE HAD PRESENTED THIS MORNING. AFTER CG HAD REVIEWED THE CHANGES, WE MET WITH VORSTER AND BOTHA AND CAME TO AGREEMENT ON DIFFERENCES THAT STILL EXISTED.

3. ACCORDING TO VORSTER, BOTHA AND FOURIE, THEIR MAIN CONCERN WAS TO AVOID AGREEING TO USE OF LANGUAGE WHICH, IF IT CAME INTO THE PUBLIC DOMAIN, COULD CAUSE THEM DOMESTIC POLITICAL PROBLEMS. THUS, FOR EXAMPLE, THEY ASKED THAT WE USE SOME OTHER TERM THAN "ELECTORAL COMMISSION", BECAUSE IN SOUTH AFRICA THE TERM "COMMISSIONER" CARRIES A STRONG CONNOTATION OF POLITICAL POWER AND AUTHORITY.

4. FULL TEXT, WITH CHANGES INDICATED WITHIN PARENTHESES, FOLLOWS:

"3. AS WE DID YESTERDAY, WE THOUGHT IT USEFUL TO REVIEW OUR DISCUSSIONS THUS FAR IN LIGHT OF THE THREE OBJECTIVES WHICH WE SET FORTH IN OUR INITIAL PRESENTATION. WE BELIEVE IT PARTICULARLY IMPORTANT TO DO SO NOW IN ORDER TO INSURE THAT OUR REPORTS TO OUR GOVERNMENTS AND ANY FUTURE DISCUSSIONS WE MAY HAVE WITH THE SOUTH AFRICAN GOVERNMENT OR THE OTHER PARTIES INVOLVED WILL REFLECT OUR DISCUSSIONS AS ACCURATELY AS POSSIBLE.

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AT THE SAME TIME WE RECOGNIZE THE ILLUSTRATIVE NATURE OF OUR DISCUSSIONS AND THE NEED TO ADD GREATER SPECIFICITY TO SOME POINTS.

OBJECTIVE NUMBER ONE

IT IS AGREED THAT THE PURPOSE OF FUTURE NEGOTIATIONS SHOULD BE TO DEVELOP AN INTERNATIONALLY ACCEPTABLE SETTLEMENT ON THE NAMIBIAN ISSUE. (WE HAVE EMPHASIZED THAT IT SHOULD BE) CONSISTENT WITH RESOLUTION 385. THERE ARE A VARIETY OF WAYS IN WHICH THE ESSENTIAL ELEMENTS (OF SUCH A SOLUTION) CAN BE IMPLEMENTED. IT IS ALSO AGREED THAT POSSIBLE WAYS OF IMPLEMENTING THESE ELEMENTS MIGHT BE AS FOLLOWS:

(1) ELECTIONS. THERE WOULD BE ELECTIONS, ON THE BASIS OF UNIVERSAL SUFFRAGE, FOR A CONSTITUENT ASSEMBLY WHOSE TASK WOULD BE TO (DECIDE UPON THE) CONSTITUTION FOR AN INDEPENDENT NAMIBIA. VOTING WOULD BE BY SECRET BALLOT WITH PROVISION TO ENABLE FULL

PARTICIPATION BY INDIVIDUALS WHO CANNOT READ OR WRITE.

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(2) INTERNATIONAL INVOLVEMENT IN ELECTIONS.
SUBJECT TO FURTHER DISCUSSIONS, IT SHOULD BE POSSIBLE
TO DEVELOP A SYSTEM OF UN INVOLVEMENT IN THE ELECTIONS
SO AS TO ENSURE THAT ELECTIONS ARE HELD ON A FREE
AND FAIR BASIS. SUCH A SYSTEM MIGHT INCLUDE A (UN
SPECIAL REPRESENTATIVE APPOINTED BY THE SECRETARY-GENERAL
AND SUPPORTED BY SUCH OFFICIALS) OF THE SECRETARIAT
(AS MIGHT BE NECESSARY.) DISPUTES MIGHT BE SETTLED
BY AN INDEPENDENT COMMISSION OF JURISTS APPOINTED BY
THE SECRETARY-GENERAL WHICH COULD INCLUDE (AN EQUAL
NUMBER OF) SOUTH AFRICAN JURISTS, (THE PRESIDENT HAVING
A CASTING VOTE.) UN CONDUCT OF ELECTIONS ELSEWHERE
MIGHT SERVE AS A GUIDE. WE SHOULD LIKE TO UNDER-
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SCORE THE ILLUSTRATIVE NATURE OF THESE PROVISIONS.

(3) CAMPAIGN PROCESS. THE (UN SPECIAL REPRESENTATIVE) WOULD ENSURE THAT NOTHING WOULD IMPEDE FULL AND OPEN PARTICIPATION, IN A PEACEFUL MANNER, BY ALL ADULT NAMIBIANS IN THE POLITICAL PROCESS. HE WOULD (HAVE TO BE SATISFIED AS TO THE FAIRNESS OF) THE REGULATIONS DRAWN UP FOR THE ELECTORAL PROCESS. ALL PERSONS AND ALL POLITICAL PARTIES, REGARDLESS OF POLITICAL VIEWS, WOULD BE (FREE) TO PARTICIPATE (PEACEFULLY) IN THE PROCESS OF POLITICAL CAMPAIGNING (AND THE ELECTIONS.) THERE WOULD BE FREEDOMS OF SPEECH, PRESS AND ASSEMBLY. (THE UN SPECIAL REPRESENTATIVE WOULD HAVE TO SATISFY HIMSELF, AT ALL STAGES, AS TO THE FAIRNESS OF THE CAMPAIGN PROCESS AS WELL AS THE ELECTION ITSELF.) ELECTIONS WOULD TAKE PLACE AFTER AN APPROPRIATE PERIOD FOLLOWING (APPOINTMENT) OF THE (UN SPECIAL REPRESENTATIVE.)

(4) RETURNEES. ALL PERSONS BORN IN OR RECOGNIZED AS INHABITANTS OF NAMIBIA WHO ARE NOT NOW IN NAMIBIA WOULD BE (FREE) TO RETURN AND PARTICIPATE (PEACEFULLY) IN THE POLITICAL PROCESS.

(5) TRANSFER OF POWER. IN CONSULTATION WITH THOSE MAINLY INVOLVED, THE SAG WOULD DEVELOP A PLAN FOR ITS WITHDRAWAL IN STAGES FROM NAMIBIA TO PREPARE A SMOOTH TRANSFER OF POWER AT THE END OF THE POLITICAL PROCESS. (THIS PLAN WOULD CLEARLY HAVE A NUMBER OF FINANCIAL AND PRACTICAL IMPLICATIONS THAT WOULD HAVE TO BE CONSIDERED AT THE APPROPRIATE TIME.)

ELEMENTS OF SECURITY COUNCIL RESOLUTION 385 ON WHICH NO AGREEMENT HAS BEEN REACHED

(1) DETAINEES AND POLITICAL PRISONERS. WE SUGGESTED THAT ALL (NAMIBIAN) POLITICAL PRISONERS

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(INSIDE AND OUTSIDE NAMIBIA) BE RELEASED AND THAT IN CASE OF A DISPUTE AS TO WHO IS A POLITICAL PRISONER, THE DISPUTE WOULD BE DECIDED BY THE COMMISSION OF JURISTS. THE SAG RESPONDED THAT IT COULD RELEASE DETAINEES BUT WOULD NOT RELEASE PERSONS SENTENCED BY COURTS FOR CRIMINAL ACTS. CLEARLY, THERE IS A DIFFERENCE ON WHAT CONSTITUTES POLITICAL PRISONERS AND SINCE THIS IS A MAJOR ELEMENT OF RESOLUTION 385, WE WILL HAVE TO HAVE FURTHER DISCUSSIONS ON IT.

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(2) LEGISLATION AND REGULATIONS. WE SUGGESTED
THAT SOUTH AFRICA WAIVE THE APPLICATION OF ALL LEGISLA-
TION AND REGULATIONS WHICH MIGHT IMPEDE THE FULL
PARTICIPATION OF ALL NAMIBIANS IN THE POLITICAL PROCESS.
THE SAG SUGGESTED THAT, (IF ANY SUCH EXISTED,) SOME
OF THIS WOULD BE TAKEN CARE OF BY THE REGULATIONS FOR
THE ELECTORAL PROCESS. THE FIVE WILL REVIEW LEGISLA-
TION AND REGULATIONS AND SUGGEST TO THE SAG THOSE
WHICH IN OUR VIEW WOULD NEED TO BE CHANGED.

OBJECTIVE NUMBER TWO

(1) WE TAKE TI FROM THESE TALKS AND FROM THE
NEED TO EXPLORE FURTHER SOME OF THE POINTS DISCUSSED
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THAT WE SHOULD IN DUE COURSE ESTABLISH A PROCESS FOR CONTINUED DISCUSSIONS WITH THE SAG. SINCE THERE ARE ADDITIONAL PARTIES CONCERNED, WE WILL ALSO NEED TO HAVE DISCUSSIONS WITH THEM.

OBJECTIVE NUMBER THREE

(1) WE WXPRESSED CONCERN THAT ALL PARTIES IN THE NEGOTIATIONS AVOID STEPS WHICH MIGHT FORECLOSE POSSIBILITIES OF ARRANGING AN INTERNATIONALLY ACCEPTABLE SOLUTION. IN THIS REGARD WE EMPHASIZED THE SERIOUS CONSEQUENCES WHICH MIGHT FOLLOW FROM THE IMPLEMENTATION OF THE TURNHALLE DRAFT CONSTITUTION. (THE SAG EMPHASIZED THE NECESSITY FOR THE CESSATION OF ALL KINDS OF VIOLENCE.)

(2) THE SAG HAS SUGGESTED THAT IT MIGHT NOT SUBMIT THE TURNHALLE CONSTITUTION TO THE PARLIAMENT. AT THE SAME TIME THE PRIME MINISTER IS COMMITTED TO THE RETURN OF SOME OF THE RESPONSIBILITIES NOW EXERCISED BY THE SAG TO A CENTRAL ADMINISTRATIVE AUTHORITY FOR NAMIBIA (AND TO THE ESTABLISHMENT OF ADDITIONAL LOCAL AUTHORITIES IN SUCH AREAS WHERE THEY DO NOT PRESENTLY EXIST.) THIS MIGHT BE DONE BY A SOUTH AFRICAN LAW WHICH AUTHORIZED THE STATE PRESIDENT TO ESTABLISH SUCH AN AUTHORITY. DETAILED PLANS FOR SUCH AN AUTHORITY HAVE NOT BEEN COMPLETED. HOWEVER, IT WOULD NOT (PER SE) BE THE TURNHALLE INTERIM GOVERNMENT BY ANOTHER NAME. ULTIMATE POWERS WOULD BE RESERVED TO SOUTH AFRICA; HOWEVER, THE CENTRAL AUTHORITY WOULD BE EMPOWERED (INTER ALIA) TO REPEAL DISCRIMINATORY AND OTHER LEGISLATION.

(3) THE FIVE SAID THAT (WHILE THE PROPOSAL MIGHT NOT NECESSARILY COMPLICATE THEIR TASK) THEY COULD OFFER NO CONSIDERED VIEWS ABOUT THE EXTENT TO WHICH (IT) MIGHT (DO SO) WITHOUT MORE INFORMATION ON CONFIDENTIAL

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THE PROPOSED ADMINISTRATIVE RE-ARRANGEMENTS. ADMINISTRATIVE RE-ARRANGEMENTS IN LINE WITH, OR SEEN TO BE IN LINE WITH, THE SUBSTANTIVE CONTENT OF TURNHALLE WOULD SURELY FURTHER COMPLICATE THE SEARCH FOR AN INTERNATIONALLY ACCEPTABLE SOLUTION. THE FIVE SAID THAT IT WOULD BE USEFUL TO HAVE THE ADDITIONAL INFORMATION AT AN EARLY DATE.

(4) (THE SAG REITERATED WHAT IT HAD STATED AS LONG AGO AS 1967, NAMELY, THAT ITS POLICY WAS THAT THE INHABITANTS OF SOUTH WEST AFRICA MUST THEMSELVES ULTIMATELY DECIDE THEIR OWN FUTURE. IN THE MEANTIME,

IT WAS SOUTH AFRICA'S TASK AND DUTY TO HELP THEM TO
ADVANCE ECONOMICALLY, SOCIALLY AND POLITICALLY, TO
THE STAGE WHERE THEY WERE ABLE TO DO SO.)"BOWDLER

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Message Attributes

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To: STATE
Type: TE
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